

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT COOKEVILLE

CITIZENS BANK OF CARTHAGE, TENNESSEE,)	
)	
)	
Plaintiff,)	No.
)	
v.)	
)	
STATE FARM FIRE AND CASUALTY COMPANY)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice that it is removing this civil action from the Circuit Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee at Cookeville.

1. On May 13, 2014, Plaintiff Citizens Bank of Carthage, Tennessee (“Citizens Bank”), commenced this civil action against Defendant State Farm in the Chancery Court for White County, Tennessee, Case No. 2014-CV-48. The Complaint and Summons were served upon State Farm on or about May 15, 2014. Attached hereto is as **Exhibit A** is a copy of the entire contents of the state court file, including the complaint and summons. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.

2. Upon information and belief, Plaintiff Citizens Bank is a Tennessee State Chartered Bank. It further alleges damages for property damage, including repair and as the

result of a fire loss to property located at 621 Roosevelt Drive, Sparta, Tennessee. Plaintiff further alleges that State Farm acted in bad faith and requests recovery of bad faith damages.

3. The Plaintiff's Complaint seeks damage no less than \$65,000, along with Plaintiff's alleged statutory bad faith penalty of 25% and attorney's fees, thereby surpassing the statutory threshold for removal.

4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.

5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between the Plaintiff and the Defendant.

6. This notice of removal is being filed within thirty days of May 15, 2014, the date on which the summons and Complaint were first served on State Farm. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.

7. Pursuant to 28 U.S.C. § 1446(d), defendant will promptly give notice of this notice of removal to the Clerk of White County Chancery Court and to counsel for Plaintiff in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.

8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the White County Chancery Court be discontinued and that this action be removed in its entirety to the United States District Court for the Middle District of Tennessee at Cookeville.

Respectfully submitted this 6th day of June, 2014.

PAINE, TARWATER, and BICKERS, LLP

/s/ Matthew J. Evans

Matthew J. Evans (BPR #017973)

Katherine S. Goodner (BPR # 030499)

2200 Riverview Tower

900 South Gay Street

Knoxville, TN 37902

(865) 525-0880

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via U.S. Mail, postage prepaid, upon the following:

William D. Mitchell
112 South Main Street
Sparta, Tennessee 38583
Counsel for Plaintiff

This the 6th day of June 2014.

/s/ Matthew J. Evans